## Case 5:10-cr-00093-JW Document 5 Filed 02/02/10 Page 1 of 1 UNITED STATES DISTRICT COURT

## THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on \$\frac{1}{2}\rightarrow{L}\$. Defendant was present, represented by his atomey \$\frac{N}\$. Linear Defendant is a temperature of the United States was represented by Assistant U.S. Attorney \$\frac{S}{2}\rightarrow{L}\$. PART I. PRESUMPTIONS APPLICABLE  / The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) white on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.  This establishes a rebutable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.  / There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A. for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. \$ 300 (c) use of a fire-ma during the commission of a felony.  This establishes a rebutable presumption that no condition or combination of conditions will reasonably assure the \$\frac{1}{2}\rightarrow{L}\$ A population applies.  PART II. REBUTIAL OF PRESUMPTIONS, IF APPLICABLE  / The defendant has not come forward with sufficient evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.  / The defendant has not come forward with evidence to rebut the applicable presumption[s] to wit:  Thus, the burden of proof shifts back to the United States.  PART III. REBUTIAL OF PRESUMPTIONS REBUTIED OR INAPPLICABLE  / The defendant has stome of the defendant as required, AND/OR  / The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the aspective of the defendant as required, AND/OR  / The United States has proved by clear and convincing evidence that no condition or combination of con	UNITED STATES OF AMERICA,		Case Number <u>CR-10-70054PV7</u>	27
Presented by his attorney The United States was represented by Assistant U.S. Attorney S. Sold P. PART I. PRESUMPTIONA SPELICIABLE  / The defendant is charged with an offense described in 18 U.S.C. § 3142(0(1) and the defendant has been convicted of a prior offense described in 18 U.S.C. § 3142(0(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.  / There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 1	Valerie Bellin	, Defendant.	ORDER OF DETENTION PENDING TRIAL	
The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and the defendant has been convicted of a prior offense described in 18 U.S.C. § 3142(f)(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community,  / There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 924(e): use of a firearm during the commission of a felony.  B under 18 U.S.C. § 924(e): use of a firearm during the commission of a felony.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the applicable presumption that no condition or combination of conditions will reasonably assure the applicable presumption appearance of the defendant as required and the safety of the community.  / No presumption applies.  PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE  / The defendant has come forward with evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.  / The defendant has come forward with evidence to rebut the applicable presumption[s] to wit:  Thus, the burden of proof shifts back to the United States.  PART III. PROOF (Where PRESUMPTIONS REBUTTED OR INAPPLICABLE)  /- The United States has proved by a perponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  / The United States has proved by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the safety of any other person an	In accordance with the Bail Reform apresent, represented by his attorney	Act, 18 U.S.C. § 3142(f), a detenti M. Wydull The United Sta	on hearing was held on 2/2/15. Defendant was tes was represented by Assistant U.S. Attorney 5. 50.27	
of a prior offense described in 18 U.S.C. § 3142(N) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.  / There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 10 te seq., or § 955a et seq., OR  B more 18 U.S.C. § 924(e): use of a firearm during the commission of a felony.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assemble 2010 appearance of the defendant as required and the safety of the community.  / No presumption applies.  PART II. REBUTTAL OF PRESUMPTIONS, IF AFFLICABLE  / The defendant has not come forward with sufficient evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.  / The defendant has come forward with sufficient evidence to rebut the applicable presumption[s] to wit:  Thus, the burden of proof shifts back to the United States.  PART III. PROOF (WIERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)  A.— The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. AND/OR  / The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. AND/OR  / The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant is committed to the custody of the Atlantable Andrew	PART I. PRESUMPTIONS APPLICABLE	LE •		
This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.  // There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C.§ 72 (c): use of a firearm during the commission of a felony.  B under 18 U.S.C. § 924(c): use of a firearm during the commission of a felony.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assisted in 2010 appearance of the defendant as required and the safety of the community.  // No presumption applies.  PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE  // The defendant has not come forward with sufficient evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.  // The defendant has come forward with evidence to rebut the applicable presumption[s] to wit:  Thus, the burden of proof shifts back to the United States.  PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)  // The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the open and the community.  PART IV. WRITTEN FIRDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION  APPLIED OF THE PROOF OF STATEMENT OF REASONS FOR DETENTION  APPLIED OF THE ARCHITECT OF REASONS FOR DETENTION  APPLIED OF THE ARCHITECT OF REASONS FOR DETENTION  APPLIED OF THE ARCHITECT OF REASONS FOR DETENTION  The bearing and finds as follows:	of a prior offense described in 18 U.S period of not more than five (5) years	S.C. § 3142(f)(1) while on release [	pending trial for a federal, state or local offense, and a	
of any other person and the community.  / There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense  A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C.§ 32 (c). use of a firearm during the commission of a felony.  This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assumbth 2010 appearance of the defendant as required and the safety of the community.  // No presumption applies.  PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE  // The defendant has not come forward with sufficient evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.  // The defendant has come forward with evidence to rebut the applicable presumption[s] to wit:  Thus, the burden of proof shifts back to the United States.  PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)  // The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR  // The United States has proved by clear and convincing evidence that no condition or combination of conditions will reaso				
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Defendant, his attorney, and the AUSA have waived written findings.  PART V. DIRECTIONS REGARDING DETENTION  The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a rections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the defendant to the United States of an attorney for the Government, the person in charge of the corrections facility shall deliver the dendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.  The defendant is attorney, and the AUSA have waived written findings.  PART V. DIRECTIONS REGARDING DETENTION  The defendant is attorney, and the AUSA have waived written findings.  PART V. DIRECTIONS REGARDING DETENTION  The defendant is attorney, and the AUSA have waived written findings.  PART V. DIRECTIONS REGARDING DETENTION  The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a rections facility sending appeal.  The defendant is attorney, and the AUSA have waived written findings.  The defendant is attorney, and the AUSA have waived written findings.  The defendant is attorney, and the AUSA have waived written findings.  The defendant is attorney, and the AUSA have waived written findings.  The defendant is attorney, and the AUSA have waived written findings.  The defendant is attorney for the Autorney General or his designated representative for confinement in a rections facility sending appeal.				
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PATRICIA V. TRUMBULL	ed: 2/2/10	Saluce	a V. Trumber II	

United States Magistrate Judge